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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,353	06/29/2001	Albert M. Avery IV	4609P002X	7411

7590

01/19/2005

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EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,353

Applicant(s)

AVERY ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-24 have been examined.

#### ***Double Patenting***

2. Claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 09/650,218. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are claiming method for providing security for an Internet co-location facility and the method is the same with a little more detail on the environment for which it is applied.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 11, 12, 13-16, 19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puchek et al. U.S. Pat. No. 6496595 (hereinafter Puchek) in view of Gravlin U.S. Pat. No. 6353853 (hereinafter Gravlin).

5. As per claim 1, Puchek discloses a method for providing security for an Internet co-location facility, the method comprising: providing a lobby in the facility connected by a tunnel to a customer area in the facility (Puchek: abstract and column 3 line 66 – column 5 line 45);

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providing a co-location area in the facility adjacent to the customer service area (Puchek: abstract and column 3 line 66 – column 5 line 45), the co-location area including a plurality of cabinets located in cages (Puchek: abstract and column 3 line 66 – column 5 line 45) controlling access to the lobby, the customer area, the co-location area, and the cages using a plurality of biometrics readers, each biometrics reader coupled to an access control system (Puchek: column 6 line 44 – column 7 line 40); connecting a computer including a central software program to the access control system, the central software program configured to monitor the use of the plurality of biometrics readers (Puchek: column 6 line 44 – column 7 line 40); connecting a server including a database to the central software program, the database configured to receive information from the central software program regarding the use of the plurality of biometrics readers (Puchek: column 7 lines 21-40 and column 9 line 40 – column 10 line 40). Puchek does not explicitly disclose transmit this information to co-located members through the Internet; and a web-based interface configured to allow co-located members to schedule visits to the facility through the Internet to the database on the server. However, Gravlin discloses these limitations (Gravlin: column 1 lines 6-64 and column 2 line 32 – column 3 line 13: enable authorized users to monitor, control, configure, and interact with the BAS...time of day scheduling for the facility...enabled to locally or remotely manage). Since Puchek discloses the monitoring information and access control information can be transmitted to database/server through Internet and use for statistic or other purposes, the monitoring information obtained from the access control system can be downloaded by the server and transmitted to web-based remote clients to control and manage building remotely for reasons as building maintenance and security purposes. It would have been obvious to one having ordinary skill in the art at the time of

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applicant's invention to combine the teachings of Gravlin within the system of Puchek because it allows authorized users to monitor and control a building remotely through Internet and cut down the cost of security personnel.

6. As per claim 2, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses providing a buffer surrounding the perimeter of the Internet co-location facility, the buffer serving as a physical barrier between the facility and a parking lot of the facility (Puchek: abstract and column 3 line 66 – column 5 line 45).

7. As per claim 3, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses including an input device coupled to each of the plurality of biometrics readers for entry of a visitor identification code of a visitor, a match between the visitor identification code and the visitor's personal identification characteristics triggering the access control system to allow the visitor to gain access to designated areas in the facility (Puchek: column 2 lines 4-18 and column 5 lines 7-20).

8. As per claim 4, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses providing a transmitter for transmitting the information regarding the use of the plurality of biometrics readers to the central software program, the information regarding the use of the plurality of biometrics readers including the visitor identification code and the date and time the visitor used one or more of the plurality of biometrics readers (Puchek: column 9 line 62 – column 10 line 40).

9. As per claim 7, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses providing a front entrance biometrics reader for initial access to the facility, the use of the front entrance biometrics reader triggering the central software program to transmit information regarding the use of the front entrance biometrics reader to a lobby workstation (Puchek: column 8 lines 18-56).

10. As per claim 11, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses transmitting information regarding the use of the plurality of biometrics readers by the central software program through the network to the database on the server, the information including a visitor identification code, a visit identification number for the scheduled visit, and the date and time a visitor used any one of the plurality of biometrics readers (Gravlin: column 1 lines 6-64 and column 2 line 32 – column 3 line 13). Same rationale applies here as above in rejecting claim 1.

11. As per claim 12, Puchek as modified discloses the method of claim 11. Puchek as modified further discloses accessing the information in the database regarding a visitor's use of the plurality of biometrics reader by using a web-based interface accessible from one or more remote computer terminals connected to the Internet (Gravlin: column 1 line 6-64 and column 2 line 32 – column 3 line 13). Same rationale applies here as above in rejecting claim 1.

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12. As per claim 13-16, 19, 23, and 24, claims 13-16, 19, 23, and 24 encompass the same scope as claims 1-4, 7, 11, and 12. Therefore, claims 13-16, 19, 23, and 24 are rejected based on the same reasons set forth in claims 1-4, 7, 11, and 12.

13. Claims 5, 6, 8-10, 17, 18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puchek in view of Gravlin and further in view of Daigneault et al. U.S. Pub. No. US20020029349 (hereinafter Daigneault).

14. As per claim 5, Puchek as modified discloses the method of claim 1. Puchek as modified does not explicitly disclose providing a user-interface to allow co-located members to schedule visits to the facility through the network to the database on the server includes transmitting information to the database regarding the date, time, expected duration of a scheduled visit, and a visit identification number for the scheduled visit. However, Daigneault discloses these limitation (Daigneault: [0002]-[005]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Daigneault within the combination of Puchek-Gravlin because it allows the access control system to not only authenticate users based on biometric parameters but also on schedules.

15. As per claim 6, Puchek as modified discloses the method of claim 5. Puchek as modified further discloses providing a transmitter in the server, the transmitter configured to transmit information regarding the scheduled visits to the central software program through a network (Daigneault: [0002]-[0005]).

16. As per claim 8, Puchek as modified discloses the method of claim 1. Puchek as modified further discloses triggering the central software program to combine a visitor identification code with a visit identification number for the scheduled visit. However, Daigneault discloses that limitation (Daigneault: [0009]-[0013]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Daigneault within the combination of Puchek-Gravlin because it allows the system to authenticate the user according to his/her identification along with the schedule to allow access.

17. As per claim 9, Puchek as modified discloses the method of claim 8. Puchek as modified further discloses wherein the user interface authorizes a visitor to progress through the remainder of the facility using the plurality of biometrics readers (Puchek: column 5 line 63 – column 6 line 17: plurality of local access control system; Daigneault: [0002]-[0013]).

18. As per claim 10, Puchek as modified discloses the method of claim 9. Puchek as modified does not explicitly disclose wherein biometrics readers are coupled to a first door and a second door of the tunnel, the first door and the second door opening in sequence in response to the use of the biometrics readers such that only one of the doors remains open at a time. However, it is well known to grant access/ open gate only after each authentication is successful.



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19. As per claim 17, 18, and 20-22, claims 17, 18, and 20-22 encompass the same scope as claims 5, 6, and 8-10. Therefore, claims 17, 18, and 20-22 are rejected based on the same reasons set forth in claims 5, 6, and 9-10.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamid et al. U.S. Pat. No. 6160903 discloses method of providing secure user access.

Kimmel et al. U.S. Pat. No. 6281790 discloses method and apparatus for remotely monitoring a site.

Dietrich U.S. Pat. No. 4689610 discloses access control and security system.

Duhamel et al. U.S. Pat. No. 5541585 discloses security system for controlling building access.

Ralston et al. U.S. Pat. No. 6389454 discloses multi-facility appointment scheduling system and method of scheduling through Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

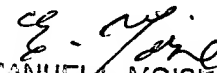
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SCA

  
EMMANUELLE L. MOISE  
PRIMARY EXAMINER